

PLANNING AND ZONING COMMISSION
STAFF REPORT

December 18, 2014



Conditional Use Permit case no. CU14-13: Buddy's Automotive

CASE DESCRIPTION: a request for approval of a Conditional Use Permit, to allow an automobile sales use on land zoned Planned Development Mixed-Use District (PD-M)

LOCATION: 2502 Boonville Road, on 5.96 acres of land out of Lot 1-B in Block 1 of Highland Hills Subdivision – Phase 2, adjoining the south side of Boonville Road (F.M. 158) between Tom Light and Wildflower Drives

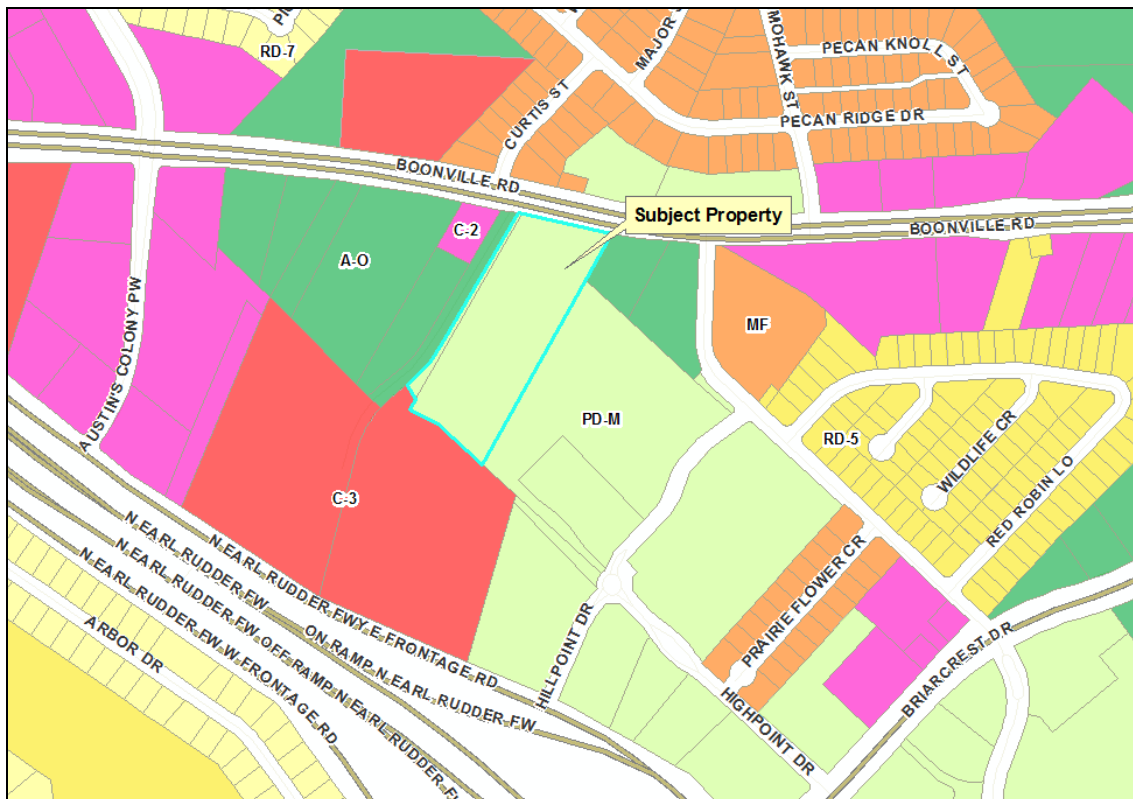
LEGAL DESCRIPTION: part of Lot 1-B in Block 1 of Highland Hills Subdivision - Phase 2

EXISTING LAND USE: vacant

APPLICANT(S): Hy-Lay Joint Venture – Dr. Sam Harrison

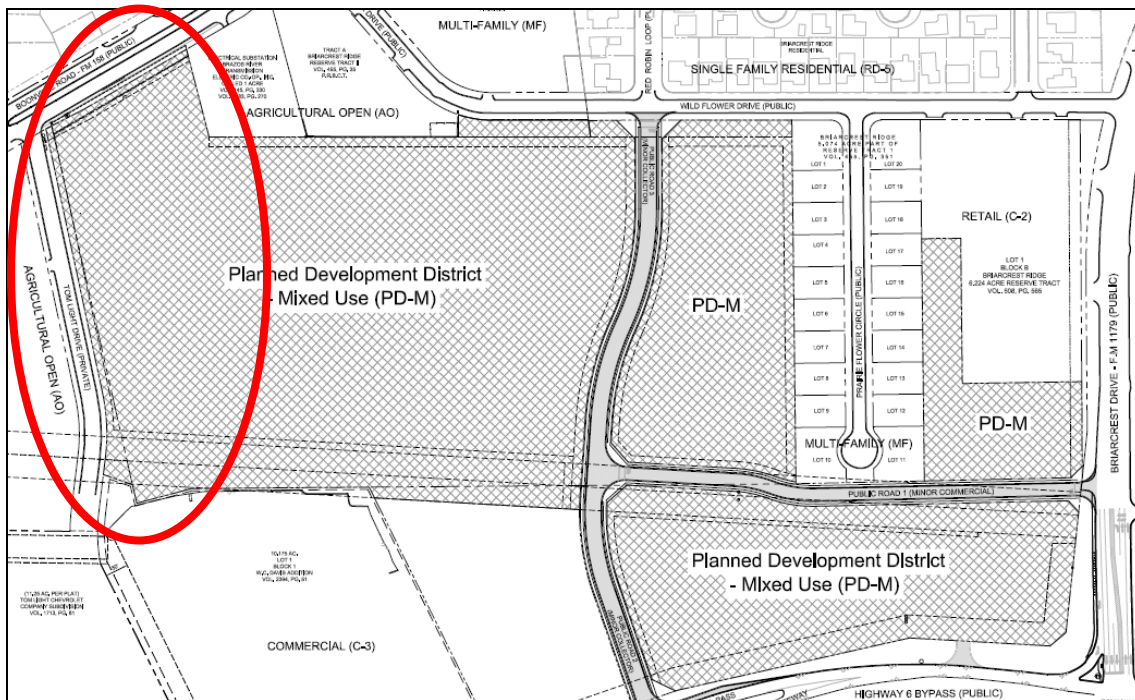
STAFF CONTACT: Maggie Dalton, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approval** of the request, **subject to certain conditions**. Please see pages 7 of this staff report for a more detailed description of recommended conditions.





EXTENT OF THE HIGHLAND HILLS PLANNED DEVELOPMENT DISTRICT:



BACKGROUND:

The applicant, Dr. Sam Harrison, is requesting approval of a Conditional Use Permit to allow an automobile sales use (“Buddy’s Automotive”) on property zoned Planned Development – Mixed Use (PD-M) in the Highland Hills Subdivision. In February 2010, the rezoning of the property to PD-M District was approved by City Council (Ordinance No. 1861). Automobile repair/sales/rental uses are potentially allowed in this PD-M District, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. Land uses on adjoining properties include automobile sales (south), office (east, across Tom Light Drive), and residential/condominiums (north, across Boonville Road/F.M. 158).

The subject property is located within the Tax Increment Reinvestment Zone (TIRZ) 22, a part of the Bryan Towne Center TIRZ which was expanded in 2010 to include the 40+ acres that comprise the Highland Hills Subdivision. A TIRZ is a special zone created by a City Council to attract new investment to an area. Once established, the TIRZ helps to finance the cost of redevelopment and encourage new development in an area. Taxes attributed to the new improvements are set-aside in a fund to finance public improvements within the boundaries of the zone. Any eligible taxes obtained from this development would be set-aside and used for public improvements within the TIRZ boundary.

The applicant is proposing to subdivide an existing 16+ acre lot (Lot 1-B, Block 1, Phase 2 of the Highland Hills Subdivision) along Boonville Road into two smaller commercial lots for the automobile sales use on a total of 5.96 acres. These two proposed lots, both of which are adjacent to Tom Light Drive (private street), are proposed take access from a planned extension of Highpoint Drive to Boonville Road/F.M. 158. The proposed lot configuration and access will require a formal replat of Lot 1-B, including right-of-way dedication for the proposed Highpoint Drive extension, and TxDOT approval for the new intersection of Highpoint Drive and Boonville Road/F.M. 158.

In addition to the PD-M zoning standards, the northernmost of the two lots on which automobile sales are proposed (the lot adjoining Boonville Road/F.M. 158) is located within the City’s F.M. 158 Corridor Overlay District. Any development on this lot is required to comply with standards for that overlay district, as stipulated in Chapters 62 and 130 of the Bryan Code of Ordinances (Land and Site Development and Zoning), as well as the PD-M District ordinance and the Design Guidelines for the Highland Hills Subdivision, which are part of a development agreement with the City of Bryan. The intent of the F.M. 158 Corridor Overlay District is to exercise greater control over the aesthetic and function characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the City’s image as a desirable place to live, work, and shop.

On that northernmost lot, the applicant is proposing a 5,000sf building and 1,080sf car wash bay on 3 acres of land. There are two proposed access points to the proposed extension of Highpoint Drive which meet driveway separation standards for a collector roadway. A total of 13 off-street parking spaces are proposed to be provided for customer parking along with 213 spaces for the display and sale of automobiles. A detention pond is proposed on the south side of the lot, adjacent to Tom Light Drive. Signage for this lot is proposed to be located at the northernmost entrance to Highpoint Drive. The proposed signage will comply with the F.M. 158 Corridor Overlay District standards as well as the PD-M District ordinance.

On the second lot, the applicant is proposing a 5,000sf building and 1,080sf car wash bay on 2.96 acres. A 100-foot wide Gulf States Electrical Easement extends across the south side of that property. No structures or pavement are being proposed within that easement area to avoid potential conflicts with utility facilities. The new lot is proposed to have one driveway from the proposed extension of Highpoint

Drive. A total of 13 off-street parking spaces are proposed to be provided for customer parking along with 138 spaces for the display and sale of automobiles. A detention pond is proposed on the north side of the lot, adjacent to Tom Light Drive. Proposed signage on this lot will be required comply with the PD-M District ordinance.

A Conditional Use is one which may be appropriate at some but not all locations in the zoning district where potentially allowed. The purpose of the Conditional Use Permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area, and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

As required by the Zoning Ordinance, with the application for approval of the Conditional Use Permit, a site plan was submitted for review by the Site Development Review Committee (SDRC) on August 27, 2014. The SDRC provided comments regarding the applicants' site plan submission on September 2, 2014 and for subsequent revisions on September 23, November 25, December 2, and December 9, 2014. As this staff report is being finalized, the accompanying site plan has not been approved by the SDRC.

At the applicants' request, the case is being forwarded to the Planning and Zoning Commission for consideration, without an SDRC-approved site plan. If Commissioners are inclined to approve this request, staff urges that any such approval be made subject to the recommended conditions listed on pages 7 of this staff report. The conditions will help ensure that the proposed automobile sales use meets all applicable requirements for property development.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns.

5.5 Land Use Policies

The level of importance placed on redevelopment and infill drove the need for policies specific to those types of development. Among the areas listed in the Comprehensive Plan as areas appropriate for redevelopment were:

- Areas where there is potential for efficient transportation access between jobs, housing, and services.
- Areas already undergoing redevelopment.
- Areas where infrastructure capacity exists.
- Existing employment centers.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

With this proposed development, a 5.96-acre portion of Lot 1-B in Block 1 Highland Hills Subdivision – Phase 2 is proposed to be divided into two lots for the planned automobile sales use. The accompanying site plan shows a 60-foot wide right-of-way dedication for the extension of Highpoint Drive. Staff recommends that any approval of this Conditional Use Permit request be made subject to the condition that a formal replat of this property be submitted for review, approval, and recoding by the City of Bryan, to help guarantee that the proposed right-of-way is properly dedicated and that the new lots meet applicable standards of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110), including, for example, the extension of public infrastructure.

The proposed extension of Highpoint Drive and its planned intersection with Boonville Road/F.M. 158 does not meet the guidelines of the TxDOT Access Management Manual separation standards for this state-maintained roadway. The applicant and staff have been working with TxDOT officials to help find a suitable compromise to allow an additional street entrance from the Highland Hills development to Boonville Road. The current proposal shows median changes within the TxDOT right-of-way to include a new left-turn and deceleration lanes on the westbound side of Boonville Road to Tom Light Drive, which could allow for U-turns to access the proposed extension of Highpoint Drive. Approval of these proposed median changes are still pending with TxDOT officials. Staff recommends that any approval of this Conditional Use Permit request be made subject to TxDOT's approval of the Highpoint Drive/Boonville Road intersection.

As mentioned above, the case is being forwarded to the Planning and Zoning Commission for consideration, without an SDRC-approved site plan, at the request of the applicant. If Commissioners are inclined to approve this request, staff urges that any such approval be made subject to the following conditions to help ensure that the proposed automobile sales use meets all applicable requirements for property development:

- That TxDOT driveway permits be submitted to the City of Bryan for the connection of Highpoint Drive to F.M. 158/Boonville Road, and obtain approval.
 - That building elevations be submitted that show proposed building colors and proposed building materials (Highland Hills Design Guidelines), and that were approved by the Highland Hills Design Review Committee.
2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff contends that the proposed Conditional Use is compatible with existing or permitted uses on abutting sites, most of which are also currently in commercial use, including an automobile sales use to the immediate south of the subject property. The proposed automobile sales use will be separated from existing residential uses by at least 100 feet (across Boonville Road), and will not be out of character in this commercial environment between Wildflower Drive and State Highway 6.

The applicant is proposing 73% impervious cover on the lot fronting F.M. 158 / Boonville Road and 52% impervious cover on the southernmost lot. As both lots will be for commercial uses, the applicant is proposing two detention pond facilities adjacent to Tom Light Drive. Approval of the detention pond locations and sizes is contingent upon the submittal and review of a drainage plan to the City of Bryan's Engineering Services Department.

The lot fronting F.M. 158/Boonville Road will be required to meet the landscaping requirements of the F.M. 158 Corridor Overlay District standards, which require 17% landscaping of the total site area; 15% of the total site area of the second lot will need to be landscaped in accordance with Chapter 62 of the Bryan Code of Ordinances. Both lots will also have to comply with the Highland Hills Design Guidelines for landscaping.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

The subject property is located along a major thoroughfare that is zoned for retail uses. Staff believes that automobile sales use of the subject property would not generally create greater unfavorable effect or impacts on abutting properties than a retail development allowed by right on this property without Conditional Use Permit approval.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

At the location where the planned extension of Highpoint Drive is proposed to be located, F.M. 158/Boonville Road currently has a median which prevents left turns from the subject property onto this major thoroughfare. As shown on the site plan, the applicant is proposing to create a left turn lane for westbound traffic to be able to turn onto Tom Light Drive or U-turn and enter the development on Highpoint Drive. As can be expected with any retail development at this location, an increase in traffic in this vicinity is likely. However, the median within the right-of-way will help reduce the negative effects of the additional traffic on the roadway by preventing a left turn onto F.M. 158 / Boonville Road.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including the proposed automobile sales use, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested. No additional impact concerning erosion, flood or water damage, fire and other hazards are expected with the proposed use of this subject property as an automobile sales facility. A drainage report will be required to be submitted to the City's Engineering Services department for review and approval regarding the proposed detention ponds for each lot.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

The submitted site plan does not show location of any lighting structures. Proposed sign locations are shown on the site plan. Any signage for this use at this particular location will have to comply with sign standards for the PD-M District and the F.M. 158 Corridor Overlay District.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

The automobile sales use at this location will provide adequate and convenient off-street parking, as required by City ordinances and regulations.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

The subject property is zoned Planned Development – Mixed Use District (PD-M) which incorporated mostly standards and limitations that generally apply to properties zoned Retail District (C-2). The Retail District (C-2) is intended for a variety of retail uses such as hotels, shops and restaurants. Automobile sales lots are potentially allowed with approval of a Conditional Use Permit. Staff contends that, in this particular case, the proposed automobile sales use at this particular location is compatible with the character of this particular area and is in conformance with the land use recommendations of the Comprehensive Plan. The full visibility of this site, with fronts on one of Bryan’s major entryways (Boonville Road/F.M. 158) appears to make it suitable for a successful automobile sales lot.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes that an automobile sales facility at this location will have no greater unfavorable impacts on properties or improvements in the vicinity than those that may reasonably result from land uses permitted by right in this PD-M District.

10. Whether the premises or structures are suitable for the proposed conditional use.

The subject property is 5.96 acres in size and currently vacant. Staff finds that the property is of sufficient size to accommodate the proposed automobile sales business.

RECOMMENDATION:

Staff recommends **approving** the Conditional Use Permit to allow automobile sales at this particular location, **subject to the following conditions:**

1. **Texas Department of Transportation (TxDOT) approval for any proposed utility, driveway, sidewalk or draining work related to this project that will be performed within a TxDOT right-of-way Permit, including, but not limited to, proposed median changes.**
2. **That a formal replat of Lot 1-B in Block 1 of the Highland Hills Subdivision – Phase 2 be submitted for review, approval, and recording by the City of Bryan, in accordance with the requirements of Bryan Code of Ordinances Chapter 110 (Subdivision Ordinance) to create the two lots shown on the accompanying site plan on these 5.96 acres.**
3. **That building elevations be submitted for review and approval by the City of Bryan that show proposed building colors and proposed building materials in accordance with the Highland Hills Design Guidelines.**
4. **Submission of correspondence that the proposed building colors and building materials for this development have been approved by the Highland Hills Design Review Committee in accordance with the Highland Hills Design Guidelines.**